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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,417	03/19/2001	Tara Burnhouse	80398.P349	2453

7590 09/25/2003

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EXAMINER

NGUYEN, CAO H

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 09/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

CS

**Office Action Summary**

Application No.

09/812,417

Applicant(s)

Burnhouse et al.

Examiner

Cao (Kevin) Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Mar 19, 2001
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_                      6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:-

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al. (US Patent No. 5,822,123).

Regarding claim 1, Davis discloses a method for indicating future program action on a future program information display comprising: providing future program information for a plurality of future programs [an electronic program schedule or cablecast TV programs for a plurality of TV channels and tuner for tuning plurality of channels..see Davis col. 5, lines 48-67], at least one future program being selected by a user; providing, on a future program actions menu, a plurality of future program actions for the selected future program, at least one future program action being selected by the user [..such highlighted information reminds the user and the service indicator..see Davis col. 16, lines 4-38]; receiving the selected at least one future program and the selected at least one future program action from the user; and displaying the

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future program information of the selected at least one future program with an indicator such that the indicator indicates the selected at least one future program action [...a logo icon appears in a window directly above date/time identifier, which alternatively displays the current date and time...see Davis col. 17, lines 15-67 and col. 18, lines 6-52].

Regarding claim 2, Davis discloses wherein the indicator is an action-descriptive icon [...all listing icon in the top horizontal bar identifies a category listing..., see Davis col. 18, lines 53-67].

Regarding claim 3, Davis discloses wherein the future program actions menu comprises features selected from the group consisting of a return feature, allowing user to navigate back to preference menu, and a help feature, allowing user to navigate to several dependent help categories, the features being able to be selected by a user (see Davis Col. 19, lines 1-67).

Regarding claim 4, Davis wherein the selected at least one future program is indicated by highlighting (see col. 20, lines 26-60).

Regarding claim 5, Davis discloses wherein the future program actions menu is displayed in a pop up window on the monitor display screen (see Davis figures 6-12).

Regarding claim 6, Davis discloses wherein the selected at least one future program action includes actions selected from the group consisting of recording the selected at least one future program, notifying the user of the display schedule of the selected at least one future program, and preventing the display of the selected at least one future program (see col. 21, lines 1-65).

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Regarding claim 7, Davis wherein the start and/or stop times of the selected at least one future program action does not match the start and/or stop times of the selected at least one future program (see col. 34, lines 1-56).

Regarding claim 8, Davis discloses wherein the future program actions menu includes a source option such the selected future program action will affect all future programs from a user-specified source (see Davis col. 33, lines 4-67).

Regarding claim 9, Davis discloses a machine-readable medium that provides instructions, which when executed by at least one processor, causes the at least one processor to perform a method comprising: providing future program information for a plurality of future programs, at least one future program being selected by a user; providing, on a future program actions menu, a plurality of future program actions for the selected future program, at least one future program action being selected by the user; receiving the selected at least one future program and the selected at least one future program action from the user; and displaying the future program information of the selected at least one future program with an indicator such that the indicator indicates the selected at least one future program action (see col. 37, lines 8-25 and figures 43A-47).

As claims 10-28 are analyzed as previously discussed with respect to claims 1-9 above.

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***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (see PTO-892).

***Response***

4. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 308-9051 may be used for formal communications or (703) 305-9724 for informal or draft communications.

Please label "PROPOSED" or "DRAFT" for informal facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA. Sixth Floor (Receptionist).

***Inquires***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cao (Kevin) Nguyen whose telephone number is (703) 305-3972. The examiner can normally be reached on Monday-Friday from 8:30 am to 6:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Kim, can be reached on (703) 305-3821. The fax number for this group is (703) 308-6606.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

  
**CAO (KEVIN) NGUYEN**  
**PRIMARY EXAMINER**

September 21, 2003

